

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**ORDER**

(over)

APPLICATION 16396 PERMIT 10281 LICENSE 7107

**ORDER CORRECTING POINT OF DIVERSION  
AND PURPOSE OF USE**

**WHEREAS:**

1. License 7107 was issued to Frank C. Larsen and Helen T. Larsen on January 14, 1965 and was recorded with the County Recorder of Napa County on January 15, 1965 in Document 3801, Volume 714 and Page 508.
2. License 7107 was subsequently assigned to Henry M. Utter.
3. The project was inspected on April 10, 1990 by a Board staff engineer and it was determined the description of the point of diversion and purpose of use should be corrected.
4. The Board has determined the above corrections will not initiate a new right nor will operate to the injury of any other lawful user of water and that good and sufficient cause has been shown for said corrections.
5. The license condition pertaining to the continuing authority of the Board should be updated to conform to the current common law trust doctrine contained in Title 23, California Code of Regulations, Section 780(a).

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The description of the point of diversion under this license be corrected to read:

South 50 feet and West 100 feet from the NE corner of projected Section 26, T9N, R7W, MDB&M, being within NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , of said Section 26, also described as California Coordinate System in Zone 2, N 343,000 and E 1,830,300.
2. The description of the purpose of use under this license be corrected to read:

Recreation, Wildlife Enhancement, Fire Protection and Irrigation.
3. The continuing authority provisions in License 7107 be amended to read:


Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: JUNE 27 1990

  
Walter G. Pettit, Chief  
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

Notice of Change (Over)

APPLICATION 16396

PERMIT 10281

LICENSE 7107

Frank C. Larsen and Helen T. Larsen  
1312 Hazel Street  
Calistoga, California

THIS IS TO CERTIFY, That

have made proof as of April 24, 1963,  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
an unnamed creek in Napa County

tributary to Napa River

for the purpose of irrigation use  
under Permit 10281 of the State Water Rights Board and that said right to the use of said water has been  
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the  
terms of the said permit; that the priority of the right herein confirmed dates from May 27, 1955,  
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed eleven (11) acre-feet per  
annum to be collected from about October 15 of each year to about May 1 of the  
succeeding year.

The maximum withdrawal in any one year has been nine (9) acre-feet.

The point of diversion of such water is located :

South three hundred (300) feet and east three hundred (300) feet from NW corner  
of projected Section 25, T9N, R7W, MDB&M, being within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 25.

A description of the lands or the place where such water is put to beneficial use is as follows:

2 acres within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 24, T9N, R7W, MDB&M.  
1 acre within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 25, T9N, R7W, MDB&M.  
19 acres within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 25, T9N, R7W, MDB&M.  
22 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the  
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of  
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time  
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein  
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

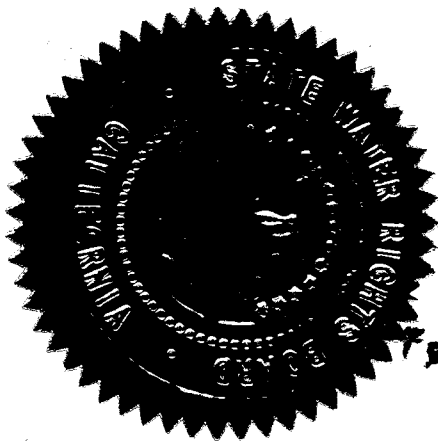
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JAN 14 1965



L. K. Hill  
L. K. Hill  
Executive Officer

7-20-73 RECEIVED NOTICE OF ASSIGNMENT TO Henry M. Utter

1/9/98 Asgd to Oscar Olsen

2/11/98 Asgd to THOMAS W. THORNTON AND  
BRENDA J. MIXSON

LIC.7107 App1. 16396

LICENSE 7107  
STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Frank C. Larsen and  
Helen T. Larsen

DATED JAN 14 1965

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